There should be nothing in the management of such buildings which savors of charity in any way, or the better class of tenants will be driven away, and those who remain will do so at the cost of self-respect."

Numerous drawings show the course of improvement in the construction of tenement houses and detailed plans are given of some of the latest buildings.

In the closing chapter the author outlines a new plan for the relief of poverty. He finds that the possible margin of savings is largely absorbed by the practice of buying the necessaries of life in very small quantities at the little corner shops. It is proposed to avoid the high prices of such petty trade, as well as the unhealthful conditions of housekeeping in one room, by instituting the "boarding tenement." The author seems to have overlooked the fact that the difficulty of being suited and of utilizing the time and energy which is released from the cares of housekeeping makes boarding an expensive and often demoralizing mode of life. This consideration is especially applicable to poor people.

DAVID I. GREEN.

A Critical History of Modern English Jurisprudence. A Study in Logic, Politics and Morality. By GEORGE H. SMITH. Pp. 83. San Francisco: Bacon Printing Co., 1893.

This little work is an introduction merely to a larger work contemplated by the author. It is partly an attempt to explain what is meant by a "natural right," and a criticism from the standpoint of one who believes in "natural rights" of other systems. Thus we have chapters on Hobbes' Theory of Jurisprudence, on Bentham's and Austin's Theory, and on Mill's Utilitarianism. But the most interesting part is the last chapter, which more fully explains the author's own ideas. He starts (p. 5) with the hypothesis that there exists in every one natural rights. These rights exist independently of his rights in the legal sense, *i. e.*, of statutes and customs. The fundamental problem then of all political science is not to determine those rules of public or private law which are most conducive to the happiness of the people, or foster most their progressive qualities, but to "determine the nature and extent of human rights." Law becomes, strictly speaking, an art which directs itself to the discovery of how best to realize the natural right. But what is "natural right?" To this we can find no satisfactory answer that will place the validity of the "rights" in question on any higher ground than the assertion of the writer. For instance, he asserts that what is a fundamental legal right is a moral question, and therefore infers that in order to determine the question of right, we

must know right from wrong (p. 75). For the determination of this question, he distrusts conscience, either that of the individual or the collective conscience of mankind, for he says (p. 77) "scientific morality accepts no propositions except such as are universally true, . . . and admits no conclusions except such as can be rigidly demonstrated from the principles assumed." The principles assumed by the author as universally true, and on which his whole system apparently rests, seem to be two in number. First, laws must be equal; and second, whatever can be shown to be, in its general consequences, detrimental to mankind, is wrong. The last assumes the correctness of the utilitarian theory of morals, and the first is a mere assertion based on we know not what. To have two fundamental principles, one must show that there can never be any conflict between them. If this conflict is shown in any single case, then one rule or the other must give way and cease to be a fundamental principle. That equality before the law of those "in the same case" necessarily conduces always to the welfare of mankind, is a rule which may have few exceptions, but that it had no exceptions we would not have the temerity to affirm. Either the proposition of the utilitarians on what separates a right action from a wrong action, a good law from a bad, is correct or it is not. If it is, then all other rules are subordinate. Mr. Smith gives us two fundamental rules, though he expresses the rule that laws should be equal in several different ways. Neither of the rules is established by argument, both are assumptions, and are not shown never to conflict.

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Corso di Diritto commerciale. Di ERCOLE VIDARI. 4ª edizione migliorata et accresciutta. Vol. I. Pp. 732. Price, 12 L. Milan: Hoepli, 1893.

One cannot better indicate the scope of this important publication than in the statement of Goldschmidt upon the first edition.* "The author has successfully attempted to emancipate Italian commercial law from the shackles of French principles and jurisprudence, by returning to the glorious traditions of Italy and at the same time by drawing inspiration from the modern development of law among European peoples. Free not only from a purely mechanical exegesis of the laws, but as well from an economic synopsis, abstract in character and wholly independent of the principles of protective law, Vidari knows well how to unite the excellent characteristics of the French and the Germanic schools." In the present edition he was the better able to determine the positive basis of the work, since the

* *Zeitschrift für das gesammte Handelsrecht*, vol. xxiii., p. 322